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Letter dated 16 February 2018 from the Permanent Representatives of Liechtenstein and Switzerland to the United Nations addressed to the President of the Security Council

We are writing regarding the Security Council ministerial briefing on "Maintenance of international peace and security: the purposes and principles of the Charter of the United Nations" scheduled for 21 February 2018. Liechtenstein and Switzerland welcome this opportunity to reflect on the Council's performance in implementing the important mandate that it discharges on behalf of the entire United Nations membership, in accordance with the Charter. More regular discussions of this nature in the Council, open to all States, would help to strengthen the accountability of the Council and enhance the legitimacy of its work.

At a time when the world is in dire need of committed multilateral leadership to tackle a growing list of complex security challenges, the Security Council continues to experience difficulty in living up to its responsibilities under the Charter. In particular, the Council has repeatedly failed to take meaningful action to prevent or end atrocity crimes, including in a number of ongoing crisis situations. Permanent members continue to use their veto in a manner that is inconsistent with their responsibilities under the Charter and with international law.

In this respect, we would like to remind Security Council members that 115 States have endorsed the Code of Conduct regarding Security Council action against genocide, crimes against humanity and war crimes, as elaborated by the Accountability, Coherence and Transparency Group. By signing the Code of Conduct, these 115 States have committed to timely and decisive action by the Council aimed at preventing or ending atrocity crimes, including by not voting against credible draft resolutions to the same end. The call for preventive action contained in the Code of Conduct aims at averting atrocities before they occur and is fully in line with the Secretary-General's agenda. Of the current States members of the Council, nine are signatories to the Code of Conduct — a procedural majority that allows the Council to address any situation falling under the Code of Conduct in a preventive manner.

States Members of the United Nations see the Security Council as a guardian of the purposes and principles of the Charter and a guarantor of the rule of law at the international level. A cardinal purpose of the Charter is the suppression of acts of aggression. In this respect, the Council will soon have a new tool at its disposal: the International Criminal Court's jurisdiction over the crime of aggression, which will take legal effect on 17 July 2018, complementing the prohibition of the illegal use of force enshrined in Article 2, paragraph 4, of the Charter. If incorporated diligently into the Council's toolbox, the Council's power to refer to the International Criminal

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Court matters relating to the crime of aggression will have tremendous potential to deter the illegal use of force in future.

We would be grateful if you could circulate the present letter as a document of the Security Council.

(*Signed*) Christian **Wenaweser**
Permanent Representative of Liechtenstein

(*Signed*) Jürg **Lauber**
Permanent Representative of Switzerland